

OPINION 1209

ACYON AMEGHINO, 1887 (MAMMALIA)
SUPPRESSED; ACYONIDAE AMEGHINO, 1889,
PLACED ON THE OFFICIAL INDEX

RULING.— (1) Under the plenary powers

- (a) it is hereby ruled that *Borhyaena* Ameghino, 1889, is a justified emendation of *Boryhaena* Ameghino, 1887;
- (b) the generic name *Acyon* Ameghino, 1887, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The generic name *Borhyaena* Ameghino, 1887 (gender: feminine), type species, by monotypy, *Borhyaena tuberata* Ameghino, 1887, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2158.

(3) The specific name *tuberata* Ameghino, 1887, as published in the binomen *Boryhaena tuberata* (specific name of type species of *Borhyaena* Ameghino, 1887) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2800.

(4) The following names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified:

- (a) *Boryhaena* Ameghino, 1887, ruled under the plenary powers in (1)(a) above to be an incorrect original spelling of *Borhyaena* Ameghino, 1889 (Name Number 2123);
- (b) *Acyon* Ameghino, 1887, as suppressed under the plenary powers in (1)(b) above (Name Number 2124).

(5) The family-group name ACYONIDAE Ameghino, 1891 (unavailable because the name of its type genus has been suppressed under the plenary powers) is hereby placed on the Official Index of Rejected and Invalid Family-Group Names with the Name Number 492.

HISTORY OF THE CASE Z.N.(S.)2159

An application for the suppression of the family-group name ACYONIDAE Ameghino, 1889 was first received from Dr Larry G. Marshall (*University of California, Berkeley*) on 5 December 1975. It had been prepared by Dr Marshall and six other colleagues in the U.S.A., France, Argentina and Great Britain. It was sent to the printer on 9 June 1976 and published on 31 March 1977 in *Bull. zool. Nom.* vol. 33, pp. 212–213. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to eight general and two mammalogical journals.

Dr Holthuis wrote to point out that the family name ACYONIDAE could not be suppressed so long as *Acyon* remained an available name. The Commission would therefore either have to suppress *Acyon* or to rule that BORHYAENIDAE must be given precedence over ACYONIDAE by any zoologist who believed both genera to belong to the same family. The applicants thereupon wrote a supplementary application asking for the former course to be followed and this was published on 31 July 1978 in *Bull. zool. Nom.* vol. 35, pp. 12–14. The possible further use of the plenary powers was advertised as before. No other comment was received.

DECISION OF THE COMMISSION

On 29 June 1981 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1981)5 for or against the suppression of ACYONIDAE Ameghino, 1889 as first set out in *Bull. zool. Nom.* vol. 33, pp. 212–213 and modified in vol. 35, pp. 13–14. At the close of the voting period on 29 September 1981 the state of the voting was as follows:

Affirmative Votes — twenty (20) received in the following order: Melville, Holthuis, Alvarado, Halvorsen, Vokes, Sabrosky, Tortonese, Bayer, Kraus, Willink, Hahn, Cogger, Habe, Heppell, Brinck, Binder, Corliss, Nye, Welch, Bernardi

Negative Vote — Mroczkowski.

Trjapitzin was on leave of absence. A late affirmative vote was received from Lehtinen. No votes were returned by Dupuis, Ride and Starobogotov.

The following comments were sent in by members of the Commission with their voting papers:

Mroczkowski: 'As *Acyon* Ameghino, 1887 is only a subjective synonym of *Cladosictis* Ameghino, 1887, it should remain an available name.'

Heppell: 'I vote in support of the intention of the applicants to suppress the family name ACYONIDAE but I believe the vote of the Commission may not be able legitimately to effect that intention. In the original proposal the Commission was requested to suppress ACYONIDAE under the plenary powers. Dr Holthuis stated that that action could not be taken without the simultaneous suppression of the name of the type genus, *Acyon*. Whether or not Holthuis's opinion is correct is irrelevant here as the applicants agreed to request the suppression of *Acyon*. Unfortunately their revised application has been presented as a modification of the original instead of as an addition to it. I believe the Commission should have been asked to vote on both the original and the additional proposals. I cannot find any article in the Code that

suggests that a family name whose type genus has been suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy is automatically invalid. It must therefore require the use of the plenary powers for its suppression, or else it will continue to compete in priority with other family-group names. The use of the plenary powers for this purpose was requested in the original proposals and I cannot see that Holthuis's objection that ACYONIDAE could not be suppressed so long as *Acyon* remained an available name, altered the requirement for it to be suppressed once the availability of *Acyon* had been abrogated by the Commission.' [A number of precedents for the Commission taking action in this way can, however, be found in the two published instalments of the Official Index of Rejected and Invalid Family-Group Names in Zoology. R.V.M.]

ORIGINAL REFERENCES

The following are the original references for the names placed on Official Lists and Official Indexes by the ruling given in the present Opinion:

Acyon Ameghino, 1887, *Bol. Mus. de La Plata*, vol. 1, p.8

ACYONIDAE Ameghino, 1891, *Rev. Arg. Hist. nat.*, vol. 1, p. 147n

Borhyaena Ameghino, 1887, *Bol. Mus. de La Plata*, vol. 1, p. 8

tuberala, *Boryhaena*, Ameghino, 1887, *Bol. Mus. de La Plata*, vol. 1, p. 8.

CERTIFICATE

I hereby certify that the votes cast on V.P.(81)5 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the preent Opinion No. 1209.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

8 December 1981